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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/973,356	10/09/2001	Carolyn Christine Ramsey-Catan	US 010513	5269	
24737	737 7590 11/12/2004		EXAMINER		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			HAQ, NA	HAQ, NAEEM U	
P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER	
			3625		
				DATE MAILED: 11/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application No.   Christine   Chris		Anntication No.	Applicant(a)				
Office Action Summary    Examiner	•	Application No.	Applicant(s)				
Examiner   Act Onto   Nasem Haq   3025	Office Action Summary	09/973,356					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edencient of time may be available under the provisions of 3 CFR 1.136(a). In no overt, however, may a righty be timely filled after SX (9) ACMTHS from the maining date of this communication.  Edencient of reply is specified but only the provision of 12 CFR 1.136(a). In no overt, however, may a righty be timely filled after SX (9) ACMTHS from the maining date of this communication.  Edencient of reply is specified but only the maintain analysis of 12 CFR 1.136(a). In no overt, however, may a righty be timely filled after SX (9) ACMTHS from the maining date of this communication.  Fallule to reply within the sold or chemical period of the property within the abality and villed the provision of the provision of the communication. Provision of the pro	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CPR 1.136(a). In so event, however, may a raply be timely filed efter SIX (8) MONTIST from the mailing date of this communication. It the period for mayly sectified and the substance of the communication of the provision of th							
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a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  6) Other:	Priority under 35 U.S.C. § 119						
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0		Patent Application (PTO-152)				

#### **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-14, drawn to a system and device for controlling a remote purchase, classified in class 705, subclass 26.
- II. Claims 15-20, drawn to a method of controlling a remote purchase, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method for controlling a remote purchase which does not require the home access device or remote controller of invention I. See MPEP § 806.05(d).

# **SPECIES**

This application contains claims directed to the following patentably distinct species of the claimed invention:

In the event Applicants elect Group I above, they are further obligated to elect among the following species as follows:

species of claims 2-4 and 9-11

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species of claims 5 and 12,

species of claims 6 and 13,

species of claims 7 and 14.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 8 are generic.

In the event Applicants elect Group II above, they are further obligated to elect among the following species as follows:

species of claims 16-18,

species of claim 19,

species of claim 20.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 15 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (703)-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naeem Haq, Patent Examiner Art Unit 3625

November 4, 2004

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600